IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4389 OF 2002

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.R.V. More for the Petitioner.

Mrs.M. Thakur, A.G.P. for Respondent No.1.

Mr.S.D. Patil for Respondent No.2.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 25TH JULY 2005

P.C. :

1. Heard the learned counsel for the parties.

2. The petition seeks to challenge the permission granted to Respondent No.2 Society to run its school under Government Order dated 30th August 2001. The petition also seeks a permission to run secondary school of the Petitioner Society. The case of the petitioner is that the Petitioner School was recommended by the District Level Committee as well as by the State Level Committee and initially the

Respondent School was not so recognised. On the other hand, we have a reply from the State Government which states that the case of the Respondent No.2 was examined on the basis of the Government decision dated 9th February 2001. Thereafter the exact particulars of this school were gone into. The school was required to give the bank balance certificate. That was also subsequently made available.

3. A reply has been filed by Respondent No.2 also. In para 6 of this reply, it is stated that the school has been running from 2000-01. It has 6 rooms and 3 divisions with class rooms, library, laboratory and sports ground, etc. and 172 students are studying there. It is also stated that the SSC results for the years 2003, 2004 and 2005 have been very good and in the years 2004 and 2005 all the students who appeared have passed.

4. It appears that this village is a small village and therefore there is a contest to set up a school between

the Petitioner and Respondent No.2 inasmuch as probably only one school can be permitted. Whatever may be the objections of the Petitioner School and also their submission that initially they had all recommendations, fact remains that the Respondent No.2 was subsequently given the approval based on the Government decision of 9th February 2001. That school has been running for last 4 years or so. This being the position, we do not think that we should interfere in a matter like this for whatever technicalities are sought to be raised by the Petitioner School. Petition is rejected.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)